

AMENDMENT NUMBER 1
TO
CONTRACT NUMBER DIR-SDD-232
BETWEEN
STATE OF TEXAS, ACTING BY AND THROUGH THE DEPARTMENT OF
INFORMATION RESOURCES
AND
SOUTHWESTERN BELL TELEPHONE L.P. DBA AT&T DATACOMM

This Amendment Number 1 to Contract Number DIR-SDD-232 ("Contract") is between the Department of Information Resources (DIR) and Southwestern Bell Telephone L.P. dba AT&T Datacomm ("Vendor"). DIR and Vendor agree to modify the terms and conditions of the Contract as follows:

1. **Section 1.C. Order of Precedence**, is hereby restated as follows:

C. Order of Precedence

This Contract; Appendix A, Standard Terms and Conditions For Products and Related Services Contracts; Appendix B, Vendor's Historically Underutilized Businesses Subcontracting Plan; Appendix C, Product and Pricing Index; Appendix D, Software License/Service Agreements Terms and Conditions; Appendix E, Master Lease Agreement; Exhibit 1, Vendor's Response to RFO DIR-SDD-TMP-064, including all addenda; and Exhibit 2, RFO DIR-SDD-TMP-064, including all addenda; are incorporated by reference and constitute the entire agreement between DIR and Vendor. In the event of a conflict between the documents listed in this paragraph, the controlling document shall be this Contract, then Appendix A, then Appendix B, then Appendix C, then Appendix D, then Appendix E, then Exhibit 1, and finally Exhibit 2. In the event and to the extent any provisions contained in multiple documents address the same or substantially the same subject matter but do not actually conflict, the more recent provisions shall be deemed to have superseded earlier provisions.

2. Appendix A, Section **3, Definitions**, the following are hereby restated as follows:

A. Customer/Lessee – any Texas state agency, unit of local government, institution of higher education as defined in Section 2054.003, Texas Government Code, and those state agencies purchasing from a DIR contract through an Interagency Agreement, as authorized by Chapter 771, Texas Government Code, any local government as authorized through the Interlocal Cooperation Act, Chapter 791, Texas Government Code, and the state agencies and political subdivisions of other states as authorized by Section 2054.0565, Texas Government Code

D. Order Fulfiller/Lessor – the party, either Vendor or a party that may be designated by Vendor, who is fulfilling a Purchase Order, pursuant to the Contract.

3. New **Appendix A, Section 13, Leasing Provision**, is hereby added as follows:

The parties to this Contract agree to the terms and conditions, as stated within Appendix E, Master Lease Agreement, attached hereto, that allow leasing of the Products identified in Appendix C Product and Pricing Index of the Contract in addition to purchase sales.

4. All other terms and conditions of the Contract, not specifically modified herein, shall remain in full force and effect. In the event of a conflict among provisions, the order of precedence shall be this Amendment Number 1 and finally Contract DIR-SDD-232.

This Amendment 1 is executed to be effective as of the date of last signature.

**Southwestern Bell Telephone L.P. dba
AT&T Datacomm**

**THE STATE OF TEXAS Acting by
and through the Department of
Information Resources**

By: Signature on File

By: Signature on File

Name: J.N. Shelgren

Name: Brian S. Rawson

Title: Regional Vice President - Sales

Title: Director of Service Delivery

Date: 10.12.06

Date: 10/20/06

Legal: Signature on File